

Petition to Judge John Woodcock regarding 1:20-cv-00287-jaw. Dr. Malissa Kraft who was responsible for the latest neuro psych testing has agreed to talk to you and can be reached at (781)-687-2631. I signed a release good until June 30 2023 for you alone to talk to her. **This petition is to talk to her so you may understand why Mr. Chase's cognitive disabilities make the Court system functionally unusable and includes calling Mr. Chase after to set up an oral petition in an afternoon to cover more things.** I am still trying to figure out what a ships bill of lading has to do with injustice. How can there be a manifest injustice without cargo? I included some injustices below for your understanding.

Daniel Chase was discriminated against by you based on his disabilities. This discrimination caused a 100% complete denial of and miscarriage of justice. Mr, Chase has almost no short term memory and gets confused easily. Mr. Chase asked for effective communications from Fred Costlow and the Court and was denied a meaningful access to the judiciary based on his disabilities. In 1999 after Meg Zellinger handed Mr. Chase the results of his neuro-psych eval he was told some facts. Meg Zellinger who had talked to Mr. Chase multiple times told him the results are there but she would not have guessed it. Mr. Chase responded that he covers well. Meg Zellinger told Mr. Chase his cognitive disability was bad enough that Mr. Chase could be having a completely different conversation with another person compared to the conversation the other person was having with Mr. Chase (in 1999).

The neuro psych eval came about because medical professions recognized Mr. Chase had significant memory problems. Testing confirmed Mr. Chase's cognitive problems and decline since 1999. The new testing proves even worse cognitive problems exist. Those new problems are from Kinney's attack.

Based on the Courts unwillingness to use American English instead using useless communications and a meaningless code based on Latin, French, a previous version of English that has presumably been discarded or is unknown to modern Americans or strange words or phrases the Court itself created without any evidence I can find of receiving the consent of the governed to do so instead of using a language known to the average American the Court and John Woodcock have violated due process and denied Mr. Chase the ability to understand what the Court wants by denying the due process right to receive effective communications. Effective communications from the Court are required to receive a beneficial service the Court is required to provide under due process. Without the Court providing a beneficial service that includes effective communications the due process right of receiving a meaningful access to the judiciary was completely denied and violated.

Despite multiple requests for assistance to allow a meaningful access to the judiciary such as asking for effective communications the Court denied everything resulting in a meaningless access to the judiciary because 2 Judges refused to apply due process required effective communications. Mr. Chase baffled and confused by Fred Costlow asked for assistance. Yet, instead of providing effective communications 2 Judges removed Mr. Chase's right to understand. John Woodcock incorrectly stated Mr. Chase did not respond to Fred Costlow's writing. Mr. Chase clearly replied he could not understand Fred Costlow's writing as required to effectively respond to it. Double spacing and a spatial disorder is problematic.

Mr. Chase was given a rule of Court that said he could not use legal arguments. That rule removed the ability to present a proper complaint. It also removed the ability for Mr. Chase to legally argue Fred

Costlow lied to the Court after it happened. Fred said a quote from a Court admissible transcript was not admissible. He also said Kinney could not know who was in my car. Law enforcement officers in both Augusta and Ellsworth have told me they can get the drivers license information of the cars owner (me) from the registration screen with a few extra steps. But I could not legally argue this was wrong either. Beyond that I was denied the right to legally argue that Kinney and the off duty deputy conspired to frame me for kicking Kinney which was physically impossible at the time and never happened. Not being able to use legal arguments removed my right to present necessary information. That however is what the rules of court are designed to do- deny justice.

I could not legally argue that Kinney filed a false police report, engaged in perjury at trial, withheld necessary information from my defense, withheld several minutes of dashcam evidence (all provable) where Kinney denied my right to medical assistance (provable if the missing video arrives), and engaged in witness intimidation (I only have my testimony on this). In *Tennessee v. Lane* the Supreme Court declared the A.D.A. was based on due process. 5th and 14th amendment Due process are identical.

I could not legally argue ADA violations occurred. I could not legally argue that Kinney seeing handicapped plates should have presumed disabilities were present and standing by a car was based on those disabilities. I could not argue that Kinney failed to provide effective communications by failing to announce his purpose and authority as required since *McCallys* case of 1611 and recognized as a historic English requirement in *Ker v. California*, 374 U.S. 23 1963 and by not clearly explaining himself in all other ways. I could not legally argue that “put your hands behind your back” not only is an ADA violation based on my disabilities but had no legal reason for doing so. I could not argue that placing my hands behind my back would cause pain and that request is therefore an ADA violation by itself. I could not legally argue that Kinney had a duty to provide effective communications to all other officers who were present to provide a service I could benefit from by explaining to them that Kinney had not given me any reasons to interact with him. I could not argue that every officer who arrived has the ADA duty to assess the situation for signs of disability discrimination such as agonizing cries being caused by officers acting criminally in aggravated assaults and to arrest the officers engaged in those crimes to ensure a service that can be benefited from would be provided. I was denied the right to argue the officers violated ADA duties to accommodate disabilities by immediately jumping on Mr. Chase to cause harm instead of accommodating his disabilities which are both physical and cognitive. Mr. Chase’s cognitive disabilities including very limited short term memory and comprehension issues along with being in the autism spectrum which includes a nonverbal disability.

I could not argue the police officers had the legal duty to fulfill the governmental duty that has been recognized since *Calvins* case of 1608 to protect every single citizen from violence to pay for allegiance and when protection does not exist the duty of allegiance or obedience stop. I could not argue that every officer failed to accommodate disabilities in every possible way. Worst of all, I could not legally argue that 28 CFR 35.105 was violated. To ensure the disabled are safe from police officers aggression and arrogance there is only one policy that can be applied to achieve this requirement. The Court has declared it is in the interest of the state not to have smart men as police officers, The Court has also declared a police officer can not diagnose a disability. Naturally low IQ individual can not diagnose disabilities. It is beyond their capabilities. The ADA is not an act about declarations or

diagnosis's. It is about accommodating disabilities even when those disabilities are not proclaimed per Williams v. New York or the ADA itself has no exception listed.

I could not argue there is only policy that Bangor did not have in place and that Kinney did not utilize. That policy is so simple no lawyer would think of it. Had I been allowed to legally make this argument it would have been very simple. **Since every government employee who interacts with the public must accommodate every disability in everyone they encounter every government employee must PRESUME EVERYONE HAS EVERY POSSIBLE DISABILITY DURING EVERY INTERACTION!** That government employee including but not limited to police officers must treat everyone they encounter as though they have disclosed every disability our species can have even when told nothing. **Like these police officers every government employee must presume everyone has every physical disability our species can have. They must also presume everyone has every cognitive disability our species can have. Then they must also presume that everyone has every possible psychiatric disability our species can have and accommodate all disabilities.**

To sum up in a short far from inclusive list every government employee police officers included must presume that everyone has bad shoulders, back problems, diabetes, is deaf, blind, has heart problems, has brittle bones, has a 26 IQ, has executive functioning problems, has no short term memory, has dementia, gets very confused, and does not properly understand what is said to them, has autism, has a nonverbal learning disability and can not “read between the lines”, is literal, concrete, and sees things in black and white (like me), has depression, schizophrenia, manic depression, bi-polar disease, etc.

Police officers presuming everyone is deaf will no longer be able to shoot a deaf man walking away from them. Police officers presuming everyone has a bad back or shoulders will no longer force anyone's hands behind them but rather will ask if there are disabilities involved before senselessly attacking anyone who is not attacking them. Police who presume everyone has autism and mental confusion will no longer yell or scream at people because that causes the brain to shut down resulting in even more confusion. I could not legally argue that by failing to apply these policies police are unconstitutional because “the safety of the people is the highest law” and the safety of the people can only be judged by the safety of the individual and police themselves are the greatest existing threat to ensuring the people’s safety in this country today.

I have no idea why I was denied the right to make these legal arguments by a rule of Court. I only know the Court system itself operates in violation of Supreme Court recognized due process.

Mr. Chase still has no idea how to find and bring an expert into Court to explain his cognitive disabilities despite strong attempts to get help from the V.A. to get help even if it was just a letter to the right qualified person who could help. Everything about the Court system and its operation violates Supreme Court recognized due process. Effective communications are passively denied by the use of a legal code instead of American English. Requests to receive effective communications by having a translator provided as required by the ADA or due process are denied, The right to receive effective communications is denied when the Court engages in fraudulent misrepresentation by denying the right to effective communications by declaring that explaining a rule of Court or a confusing part of the prose packet is a strange type of advice called legal advice when all that is requested in clarification of

remarks already made by the Court. The rules of Court are written so badly that Mr. Chase has been denied the right to appeal to the Supreme Court 3 times prior based on the way the rules of Court are written. There is a Supreme Court recognized stringent requirement that "*Justice must meet the appearance of justice*" yet I haven't seen anything close to justice in any Court. The injustice begins when the Court engages in fraudulent misrepresentation by saying that clearly explaining the rules of Court and the prose packet you handed out is a strange kind of advice when it is simply receiving due process or ADA required effective communications instead of meaningless legalese. I never did make it past page 5 because I was confused and got stuck. Until the problem is resolved I can not get past page 5 to get to page 6 and beyond.

Being denied after asking a judge to explain how to find and utilize an expert in Court to explain his cognitive disabilities sent Mr. Chase into deep depression. Without an expert to explain his cognitive problems there is ZERO chance of success in Court. The depression was so bad reading cases and finishing documents became virtually impossible. I never learned about a date for a Court hearing.

Prior to surgery I was told even if the prostate was removed the cancer was likely to return. After my prostate was removed because (as I understand it) it was $\frac{3}{4}$ full with cancer and growing fast that surgery has been a problem. I do not blame the doctor until it is shown he did something wrong. It felt like I had a knife stuck in my belly. I end up exhausted resulting in unexpected daily naps. Walking inside Walmart to buy groceries has made me feel like I was going to throw up. The doctors have no explanation. Even so it is better than having the cancer continuing to grow fast and escape the prostate.

After leaving rehab after about 3 weeks I came home. Due to physical pain, trauma from surgery, depression caused by the Court, confusion, and dealing with all the ramifications of the surgery I just lost track and forgot about most things. I should have gotten more rehab for my recent shoulder surgery but kept forgetting to call to set up an appointment. I have some frozen shoulder as a result. I could not figure out how to get travel pay because the V.A. added a part about public transportation which I could not figure out and I did take a bus. Therefore I never got any travel pay because I could not figure out how to use the government form. This is just one example of how my cognitive problems affect me.

The Due Process Clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. **This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process, the prevention of unjustified or mistaken deprivations and the promotion of participation and dialogue by affected individuals** in the decision making process. **The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. At the same time, it preserves both the appearance and reality of fairness, "generating the feeling, so important to a popular government, that justice has been done,"** by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him. **"Indeed, "justice must satisfy the appearance of justice and this "stringent rule** may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties," *Marshall v. Jerrico, Inc., 446 US 238 - Supreme Court 1980*

Justice was not done. Justice was denied based on the ineffective communications used by the Court and lawyer Fred Costlow that denied Mr. Chase a meaningful understanding which removed both the potential and the reality of a meaningful access to the judiciary as has always happened to Mr. Chase.

Below are a few sections from the new neuro-psych eval. Please read the attached report.

Relative to his estimated high average premorbid baseline, Mr. Chase exhibited prominent difficulty with memory for verbal noncontextual information (I.e., word list learning). Specifically, he demonstrated below average learning over several trials, susceptibility to interference when presented with a distractor list, and source memory confusion on a recognition task...he did show a tendency to describe things concretely on a test of verbal abstraction (performance was normatively within expectation for age). However, he appeared to have no difficulty on another test of abstract/metaphorical thinking, and his performance again was within normal limits.

Compared to his prior neuropsychological evaluation in 1999, he again exhibited difficulty with verbal encoding and susceptibility to distraction, with better immediate and delayed performance on a task of story memory. While his performance across both evaluations evidenced this pattern, his normative performance has since further declined... On both evaluations, he exhibited some difficulty with organization when copying a complex figure and demonstrated some variable inefficiency regarding verbal abstract thinking.

Overall, Mr. Chase demonstrated difficulty with noncontextual verbal learning and memory, disorganization on a complex figure copy test, and mild difficulty with abstract thinking in the context of an otherwise normal cognitive profile. Compared to his prior evaluation, he exhibited consistent difficulty with learning and remembering unorganized verbal information, which seems to have further declined since that time...Considering his cognitive profile (including some evidence of decline described above) and his self—report of generally intact ability to perform daily activities without error, a diagnosis of Mild Neurocognitive Disorder is currently warranted. Regarding etiology, it seems that Mr. Chase's poor verbal learning and memory are secondary to executive weaknesses, which seem to be longstanding and possibly due individual cognitive variability (I.e., personal strengths and weaknesses that vary among people). Chronic untreated back pain, fatigue, residual anxiety/stress from the alleged assault, and ongoing recovery from major surgery also may be exacerbating the cognitive problems he is reporting or contributing to the decline observed in some areas of his performance... Furthermore, his cognitive profile is not suggestive of a neurodegenerative process at this time. **It should be noted that the Veteran's primary concern appeared to be that he has trouble understanding legal terminology. It is reasonable to assume that an individual (even one of high average intelligence) may require assistance or tutoring if they do not have a background in this area, although learning this type of material may be particularly challenging for him given his longstanding weakness for learning abstract or noncontextual information.** In sum, etiology of his cognitive concerns is likely multifactorial, with longstanding individual cognitive patterns, chronic pain, variable sleep, and more recent stress secondary to his reported assault all likely playing a role.

PRIOR EVALUATIONS: According to medical records, Mr. Chase completed a neuropsychological evaluation on 01/28/1999. Results revealed "a wide discrepancy between his verbal and perceptual

organizational abilities,” and his overall pattern of performance on tests of intellectual functioning and achievement suggested a non—verbal, spatial based learning disability. He also evidenced difficulties with verbal and visual encoding, organization of information, susceptibility to interference, and source memory confusion. Per the report, “When information is organized for him, Mr. Chase demonstrates High Average abstract reasoning abilities and better memory functioning. **Thus, it seems that he is unable to provide an organization basis for information on his own, and in fact, misses the organization principle that is present in the information, when it is not explicitly pointed out to him.**” His responses to items on self-report measures of personality and emotional functioning revealed that he was “predisposed to view the world in a rigid manner.” He was diagnosed with a spatial-based learning disorder as well as dysthymic disorder. Pain was also considered a likely contributory factor to his psychological and cognitive difficulties, as per the report, Mr. Chase “associates the decline in academic performance with the onset of the pain.” *Please refer to the report for further details*

This petition is asking for a reconsideration of everything about the case. Mr. Chase has cognitive defects that when not accommodated deny a meaningful access to the judiciary. Mr. Chase loses track of information and as a result has missed multiple medical appointments since Kinney’s attack but not before. Mr. Chase can not even remember to check and look at the mail on a weekly basis now. When Mr. Chase explained Fred Costlow’s writing was written in an ADA violative manner meaningful communications were denied by a Court that thereby warred against the Constitution itself; an action that should be impeachable. I would prefer the case to be restarted with the help required.

No...judicial officer can war against the Constitution without violating his undertaking to support it. *Cooper v. Aaron, 358 US 1 - Supreme Court 1958*

It explained that the Due Process Clause protects the right of access to the courts... Moreover, that "record demonstrated that public entities' failure to accommodate the needs of qualified persons with disabilities may result directly from unconstitutional animus and impermissible stereotypes."

The Due Process Clause also requires the [government] to afford certain civil litigants a "meaningful opportunity to be heard" by removing obstacles to their full participation in judicial proceedings. *Boddie v. Connecticut*, 401 U. S. 371, 379 (1971); *M. L. B. v. S. L. J.*, 519 U. S. 102 (1996). Each of these cases makes clear that ordinary considerations of cost and convenience alone cannot justify a [government]'s failure to provide individuals with a **meaningful right of access to the courts.** *Tennessee v. Lane, 541 US 509 - Supreme Court 2004*

"The constitution does not authorize Congress to enlarge or abridge . . . [the] rights" of citizens. *Schneider v. Rusk, 377 US 163 - Supreme Court 1964*

Please offer a service that can benefit me. **Stop warring against the due process rights of effective communications and a meaningful access to the judiciary as recognized in Tennessee v. Lane. The communications coming from the Court and lawyers including Fred Costlow remove the ability to have a meaningful access to the judiciary.** Your unconstitutional animus and impermissible stereotypes have caused me great damage and must be removed for justice to appear. Court created or permitted cognitively based Due Process barriers including language deny justice. Remove them now.

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3-7-2023